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Applicants' assignee has informed the undersigned that the formal drawings are being submitted to the PTO under separate cover.

The holding of allowable subject matter is gratefully acknowledged.

The art rejections are respectfully traversed.

Luxon: claims 1 & 16

Claim 1 recites that the control device comprises detector means for discriminating between a transmitting state and receiving state of the communication device. Based on such states, various non-uniform selection patterns are effected from among possible antenna directivity configurations.

The Examiner cites the Luxon reference as allegedly showing discriminating between a transmitting state and receiving state and selecting antenna directivity configurations based on this detected state. Since Luxon is a very big reference, 48 sheets of drawing and 50 columns of text, Applicants will only respond to those portions of the reference mentioned by the Examiner. For the discrimination portion of the claim, the Examiner cites

- col. 41, line 55 through col. 42, line 58;
- the deployed position, which is allegedly a transmit state;
- the closed or stowed position, which is allegedly the receive state

Applicants respectfully disagree with the Examiner as to his interpretation of these positions.

While the deployed position is described as being better for transmission than the stowed position, Applicants are unable to find that the reference states that the unit cannot receive in the deployed position. Indeed, it would be unfortunate if the device could not receive in the

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deployed position. What good would a mobile phone be if two way communication were not possible? Moreover, Luxon is ambiguous as to whether the antenna is transmitting in the stowed position or not (col. 42, lines 21-25 vs col. 42, lines 31-36) Accordingly, distinguishing the stowed and deployed position does not distinguish transmit and receive state. Therefore, the directivity configurations achieved by Luxon are not in response to a discrimination as recited by Applicants.

Thus, Applicants respectfully submit that the Examiner has not made a *prima facie* case of obviousness or anticipation against claim 1.

Method claim 16 is analogous to claim 1, with respect to the limitations discussed above.

Claim 6

With respect, to claim 6, the Examiner reads column 41, line 55 to column 42, line 36 as indicating that the controller is exclusively operational during an actual communication session. Applicants respectfully disagree with this interpretation. Since the directing element in Luxon is a mechanical shielding device, it is operational whenever deployed, whether there is a communication session or not. Applicants are unable to find, in the section cited by the Examiner here, what conditions result in the deployment of the shielding device. As far as Applicants can tell, it may be deployed simply by the user pulling out the antenna. If Applicants have surmised correctly, then the shield is operational whenever the user pulls out the antenna, not just when there is a communication session.

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Claim 17

The Examiner states that Luxon shows the step of detecting a direction of a reception field. Applicant has looked at the points of Luxon pointed to by the Examiner and is not finding this. Column 41, line 62, cited by the Examiner only relates to detecting whether the antenna is deployed, not to detecting the reception field. Figures 31 a-b, as explained in col. 24, lines 28-40, appear to relate to a user selecting a direction of transmission based on what the user thinks is the right direction, not based on a detected reception field. Accordingly, as far as Applicants can tell, the Examiner has mischaracterized the portions of Luxon pointed to in rejecting claim 17.

Claim 19

This claim recites adjusting the selected configuration in accordance with the reception field. Against this claim, the Examiner cites column 6, line 20 and column 32, lines 15-17. These portions of Luxon teach adjusting the direction, but not in accordance with the reception field. Accordingly, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness or anticipation against claim 19.

Claim 14

This claim recites that at least one of the patterns comprises first *and* second lobes, wherein the majority of the volume covered by the lobes does not intersect a user's head. Against the additional recitations of this claim, the Examiner cites Gratias, especially Fig. 3. Looking at Figure 3, Applicant sees only a single lobe, not first and second lobes.

Applicant supposes that the Examiner thinks there are several lobes because there are several lines 28 & 42. However, Gratias makes clear a) at col. 4, line 47, that the lines 28 are

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contours of equal field intensity, rather than distinct lobes; and b) at col. 4, line 10, that the line 42 is only a geometrical line defining an angle, rather than an aspect of the field. The contour lines 28 are part of a single lobe, just as the multiple lines in a geographical contour map can define a single hill.

Therefore Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness against claim 14.

Claim 18

This claim recites providing an indication to the user that will help the user align the selected configuration in accordance with the reception field. Against this recitation, the Examiner cites the Martin reference.

Applicants do not fully understand this reference, but based on the portions cited by the Examiner, it appears that the user is selecting the direction of the antenna as a way of selecting options, not in accordance with the reception field. In other words, it appears that the antenna position is being used to control the device sort of the way a mouse or trackball would be used in directing the operation of a PC; not in response to a reception field.

Therefore, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness against claim 18.

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The Examiner's other rejections or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments at a later date.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

CERTIFICATE OF MAILING	
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Respectfully submitted,

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